

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FULCRUM CREDIT PARTNERS LLC,

Plaintiff,

v.

STRATEGIC CAPITAL RESOURCES, INC.

Defendant.

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CASE NO. A-10-CA-137LY

**DEFENDANT STRATEGIC CAPITAL RESOURCES, INC.'S
DESIGNATION OF EXPERTS**

Pursuant to the scheduling order as amended by the parties' agreement, Defendant Strategic Capital Resources, Inc. designates the following potential testifying experts. The parties agreed to designate other trial witnesses and proposes exhibits on March 30, 2010.

- (1) Frank Monroe, Esq.
Graves Dougherty Hearon & Moody
401 Congress Avenue, Suite 2200
Austin, Texas 78701
512.480.5600

Frank Monroe is a former bankruptcy judge who served in the Western District of Texas, Austin Division for nearly twenty years. His resume and experience is more fully discussed in his report which is served upon counsel herein. Pursuant to Rule 26(a)(2)(B), all other cases in which he has served as an expert are included and listed. Former Judge Monroe's opinions and conclusions are detailed in his report. Former Judge Monroe has reviewed the TOUSA bankruptcy proceeding, the claims register, the plan disclosure documents, and the Strategic Capital Resources claims therein and will offer expert testimony regarding the relative risks, ultimate payouts, and claims procedures in complex liquidating bankruptcy proceedings such as TOUSA, Inc. Former Judge Monroe believes that all projected payouts for unsecured creditors in the TOUSA, Inc. bankruptcy, as in all bankruptcies, are uncertain, subject to multiple unknowable risks, and are speculative, at best. Further, Former Judge Monroe will opine that claims within the same general class are interchangeable and that a large volume of GUC claims were available in the TOUSA bankruptcy proceedings for potential purchasers such as Fulcrum to "source." Former Judge Monroe's other opinions are contained in his report and supplement Strategic Capital Resources' discovery responses as applicable.

- (2) Dominic Picca, Esq.
Mintz Levin
Chrysler Center
666 Third Avenue
New York, New York 10017
212.692.6859

Mr. Picca currently serves as head of the litigation department in the New York office of Mintz, Levin, Cohn Ferris Glovsky & Popeo LLP in New York, New York. His resume and report are served herewith on all counsel of record.

Mr. Picca has extensive experience in negotiating the purchase and sale of distressed trade debt and has litigated the only two reported decisions regarding “failed transactions” in the state of New York.

Mr. Picca believes, after the indicated review of materials and documents, that no binding contract ever existed between the parties and that any attempt by Fulcrum to use “standards in the industry” to supply the missing material terms of an agreement is unjustified and unsupported by the undisputed facts of this case. More particularly, the detailed opinions of Mr. Picca are contained in his report dated December 22, 2010, and the exhibits to which it refers.

- (3) Mark Rambin, CPA
Travis Wolff
15950 N. Dallas Parkway, Suite 600
Dallas, Texas 75248
972.661.1843

Mark Rambin is a licensed CPA who has over twenty years experience in public and private accounting. His resume, list of Rule 26 expert testimony, and expert report are hereby designated and served on all counsel of record.

Mr. Rambin is a partner in Travis Wolff of Dallas, Texas. He will testify in response and in rebuttal to Mr. Lupoff’s report and the opinions which have been produced by Fulcrum herein. Specifically, Mr. Rambin has analyzed Mr. Lupoff’s damage claims and will testify that the damage models proposed by Mr. Lupoff are based on incorrect and unrealistic assumptions, are highly speculative, and do not meet the appropriate legal or accounting standards of reasonable certainty. Mr. Rambin’s opinions and the basis therefor are set out in detail in his report of December 22, 2010.

Defendant will also examine Plaintiff’s designated witnesses and experts, incorporated here, and will elicit expert opinions and testimony from them consistent with their expertise, prior testimony, and any reports. As defendant continues its investigation, additional information might come to light or otherwise become relevant. Defendant reserves the right to

supplement or amend this disclosure and designate additional witnesses, opinions, or offer rebuttal testimony.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Jeff D. Otto

Jeff D. Otto

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned certifies that on December 22, 2010, the above and foregoing document was transmitted electronically to the clerk of the Court using the ECF System for filing and was served upon all counsel of record, via ECF, electronic mail. The Designation, along with the experts' reports, have been served by e-mail and First Class Mail on the following counsel on December 22, 2010

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/s/ Jeff D. Otto